

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-60662-CIV-ALTONAGA/Strauss

SABRINA MARTINEZOVA,

Petitioner,

v.

JOHANNER GIRONELLA,

Respondent.

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RETURN ORDER

THIS CAUSE came before the Court upon consideration of Petitioner, Sabrina Martinezova's Verified Petition for Return of Children to Spain [ECF No. 1], filed on April 7, 2023. An evidentiary hearing was held on May 1, 2, and 4, 2023 [ECF Nos. 31, 32, 34], at which Petitioner and Respondent, Johanner Gironella appeared with their counsel. The parties presented arguments and testimony, and the Court conducted an *in camera* interview with the parties' older child. The Court has carefully considered the Petition and applicable law; and the testimony, evidence, and arguments presented at the evidentiary hearing.

This Return Order is made pursuant to the 1980 Convention on the Civil Aspects of International Child Abduction (the "Hague Convention") and the International Child Abduction Remedies Act ("ICARA"), 22 U.S.C. 9001 *et seq.* For the reasons stated on the record (*see* Paperless Minute Entry [ECF No. 34]), the Court finds Petitioner has shown by a preponderance of the evidence that: i) the habitual residence of the minor children, A.G.M. and E.G.M., was Spain on the day they were removed from Spain, June 17, 2022; ii) the removal breached Petitioner's rights of custody under Spanish law; iii) the Petitioner was or would have been exercising rights of custody at the time of the removal; and iv) the minor children are under the


age of sixteen. Petitioner has therefore met her burden, no defenses have been established, and the minor children must be returned forthwith. Accordingly, it is

ORDERED AND ADJUDGED as follows:

1. Petitioner's Verified Petition for Return of Children to Spain [ECF No. 1] is **GRANTED**, and the minor children shall be returned to their habitual residence of Spain forthwith;
2. The minor children's passports and any other travel documents shall be released to Petitioner or her counsel immediately;
3. Respondent shall promptly exchange custody of the minor children with Petitioner. Respondent shall deliver to Petitioner the minor children's essential personal belongings at the time of the exchange;
4. Upon the return of the minor children to Spain, Petitioner shall file a notice in this Court that the minor children have been returned to Spain;
5. This Order is not a determination of the merits of any custody issues within the meaning of Article 19 of the Hague Convention; and
6. This Order is made under the authority of 22 U.S.C. section 9003(a), conferring original jurisdiction upon this Court, and under the authority of Article 12 of the 1980 Hague Convention.
7. The Clerk shall mark this case as **CLOSED**.

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DONE AND ORDERED in Miami, Florida, this 4th day of May, 2023.


CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record